

1
2
3
4
5
6
7
8
9
10
11 UNITED STATES DISTRICT COURT
12 WESTERN DISTRICT OF WASHINGTON
13 AT TACOMA

14 UNITED STATES OF AMERICA

15 Plaintiff,

16 v.

17 JAMES L. McPHADEN,

18 Defendant.
19
20

NO. CR95-5828JET

ORDER

21 THIS MATTER comes on before the above-entitled Court upon Defendant's Motion For
22 Bail pursuant to 18 U.S.C. §3143(b).

23 Having considered the entirety of the records and file herein, the Court finds and rules as
24 follows:
25
26

1 Release pending appeal pursuant to 18 U.S.C. §3143(b) is only authorized if the court finds:

2 (A) by clear and convincing evidence that the person is not likely to flee or pose a danger to
3 the safety of any other person or the community if released...

4 and

(B) that the appeal is not for the purpose of delay and raises a substantial question of law or
fact like to result in—

5 (i) reversal,

(ii) an order for a new trial,

6 (iii) a sentence that does not include a term of imprisonment, or

7 (iv) a reduced sentence to a term of imprisonment less than the total of the time already
served plus the expected duration of the appeal process.

8 The Defendant has failed to make the requisite showing pursuant to 18 U.S.C. §3143(b).

9 Accordingly, Defendant's motion is DENIED.

10 IT IS SO ORDERED.

11 The clerk of the court is instructed to send uncertified copies of this Order to all counsel of
12 record.

13 DATED this 21st day of September, 2005.

14
15 /s JACK E. TANNER

16 _____
JACK E. TANNER
17 SR. UNITED STATES DISTRICT JUDGE
18
19
20
21
22
23
24
25
26